

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

DYNCORP INTERNATIONAL LLC,)

Plaintiff,)

v.)

THE UNITED STATES,)

Defendant,)

and)

KELLOGG, BROWN & ROOT)

SERVICES, INC.,)

VECTRUS SYSTEMS CORPORATION,)

FLUOR INTERCONTINENTAL, INC.,)

and PAE-PARSONS GLOBAL)

LOGISTICS SERVICES, LLC,)

Defendant-Intervenors.)

No. 19-1133C
(Senior Judge Smith)

AECOM MANAGEMENT)

SERVICES, INC.,)

Plaintiff,)

v.)

THE UNITED STATES,)

Defendant,)

and)

KELLOGG, BROWN & ROOT)

SERVICES, INC.,)

VECTRUS SYSTEMS CORPORATION,)

FLUOR INTERCONTINENTAL, INC.,)

and PAE-PARSONS GLOBAL)

LOGISTICS SERVICES, LLC,)

Defendant-Intervenors.)

No. 19-1176C
(Senior Judge Smith)

PAE-PARSONS GLOBAL)	
LOGISTICS SERVICES, LLC,)	
)	
Plaintiff,)	
)	
v.)	Nos. 19-1205C & 19-1515C (consolidated)
)	(Senior Judge Smith)
THE UNITED STATES,)	
)	
Defendant,)	
)	
and)	
)	
FLUOR INTERCONTINENTAL, INC. and)	
VECTRUS SYSTEMS CORPORATION,)	
)	
Defendant-Intervenors.)	
 FLUOR INTERCONTINENTAL, INC.)	
)	
Plaintiff,)	
)	
v.)	Nos. 19-1580C & 19-1585C (consolidated)
)	(Senior Judge Smith)
THE UNITED STATES,)	
)	
Defendant,)	
)	
and)	
)	
KELLOGG, BROWN & ROOT)	
SERVICES, INC. and)	
VECTRUS SYSTEMS CORPORATION,)	
)	
Defendant-Intervenors.)	

**DEFENDANT’S STATUS REPORT REGARDING
CORRECTIVE ACTION AND MOTION TO STAY PROCEEDINGS**

Pursuant to the colloquy at the December 3, 2019 status conference in the above-captioned cases and the Court’s follow-up e-mails, the Government respectfully submits this status report regarding corrective action. The Army intends to take the following corrective action in the Logistics Civil Augmentation Program (LOGCAP) V procurement.

The Army intends to re-open the procurement and issue new price reasonableness determinations for the total proposed price for cost-plus-fixed-fee contract-line-item numbers (CLINs) and, separately, the total proposed price for firm-fixed-price CLINs, for each offeror in the competitive range in each of the six regions that included firm-fixed-price CLINs (EUCOM, PACOM, CENTCOM, NORTHCOM, AFRICOM, and SOUTHCOM). The Army intends to conduct the price reasonableness evaluations in accordance with Federal Acquisition Regulation § 15.404-1 and the solicitation. If the Army determines that all of the offerors' prices are reasonable, the Government will notify the Court in a status report that the award decisions have not changed as a result of the corrective action.

If, instead, the Army determines that any offeror's total proposed price for cost-plus-fixed-fee CLINs or total proposed price for firm-fixed-price CLINs for a particular region is unreasonable, the Army intends to re-open discussions to notify the offeror of its unreasonable price(s). At the conclusion of any discussions, the Army would allow all offerors an equal opportunity to submit final proposal revisions, regardless of whether they received any evaluation notices. The Army intends to continue to stay the current LOGCAP V contracts until the Government notifies the Court that the corrective action is complete.

In light of this proposed corrective action, we respectfully request that the Court stay proceedings in these cases (including the issuance of any opinions) while the corrective action is ongoing. The Army anticipates that it will complete its new price reasonableness determinations within 45 days of the issuance of an order staying these cases. Accordingly, we propose to file a status report within 50 days of an order staying these cases, notifying the Court on the progress of the corrective action.

Counsel for each of the parties, except DynCorp International, LLC (DynCorp), have indicated that their clients do not oppose this motion to stay proceedings in these cases. Our understanding is that DynCorp would not oppose our motion if we agreed to stay the LOGCAP V contracts until the Court issues final decisions in these cases, after hearing any objections to the decisions made during the corrective action. At this time, however, the Army is not in a position to commit to what amounts to an indefinite stay after the completion of the corrective action, not knowing what the situation will be when the corrective action is ultimately completed. Nevertheless, we are willing to consider a further stay of the LOGCAP V contracts, *once the corrective action is complete*. At that time, we intend to promptly provide counsel with key decisional documents (*e.g.*, the new price reasonableness determinations) and cooperate regarding the schedule for further proceedings in each case, including whether the Army is willing to continue the stay for a defined period of time or whether preliminary injunctive relief proceedings are necessary.

For these reasons, we respectfully request that the Court stay proceedings in these cases (including the issuance of any opinions) while the corrective action is ongoing.

Respectfully submitted,

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